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### STATEMENT UNDER 37 CFR 3.73(b)

Applicant/Patent Owner: Synergetics, Inc.

Application No./Patent No.: 10/586,018

Filed/Issue Date: November 15, 2004

Entitled: Surgical Instrument Handle With Adjustable Actuator Position

Synergetics, Inc., a corporation

(Name of Assignee)

(Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

states that it is:

1. ☒ the assignee of the entire right, title, and interest; or

2. ☐ an assignee of less than the entire right, title and interest.

The extent (by percentage) of its ownership interest is \_\_\_\_\_ %  
in the patent application/patent identified above by virtue of either:

A. [X] An assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the United States Patent and Trademark Office at Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.

OR

B. [ ] A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as shown below:

1. From \_\_\_\_\_ To: \_\_\_\_\_

The document was recorded in the United States Patent and Trademark Office at  
Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.

2. From \_\_\_\_\_ To: \_\_\_\_\_

The document was recorded in the United States Patent and Trademark Office at  
Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.

3. From \_\_\_\_\_ To: \_\_\_\_\_

The document was recorded in the United States Patent and Trademark Office at  
Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.

[ ] Additional documents in the chain of title are listed on a supplemental sheet.

[ ] Copies of assignments or other documents in the chain of title are attached.

[NOTE: A separate copy (i.e., the original assignment document or a true copy of the original document) must be submitted to Assignment Division in accordance with 37 CFR Part 3, if the assignment is to be recorded in the records of the USPTO. See MPEP 302.08]

The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Telephone number

Gregg D. Scheller

\_\_\_\_\_  
Typed or printed name

  
\_\_\_\_\_  
Signature

President/CEO

\_\_\_\_\_  
Title

This collection of information is required by 37 CFR 3.73(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

## PATENT

### ASSIGNMENT

WHEREAS, we, Gregg D. Scheller of 17820 Suzanne Ridge Drive, Glencoe, MO 63038, and Michael D. Auld of 5376 NW 120th Avenue, Coral Springs, FL 33076, have invented certain new and useful improvements for a *Surgical Instrument Handle With Adjustable Actuator Position* for which we executed an application for Letters Patent in the United States identifying us as the only inventors thereof said application being assigned serial number 10/586,018 by the U.S. Patent and Trademark Office and identified as Thompson Coburn LLP, Docket 54084-62559; and

WHEREAS, Synergetics, a corporation of the State of Missouri having its principal office and place of business at 3845 Corporate Centre Drive, St. Charles, Missouri 63304, is desirous of acquiring the entire right, title and interest in and to said invention and improvements as disclosed in said application, in and to said application, and in and to the patent to be obtained thereon.

NOW THEREFORE, for good and valuable consideration, the receipt and adequacy of all of which are hereby acknowledged, we, Gregg D. Scheller and Michael D. Auld, have sold, assigned and transferred and do hereby sell, assign and transfer unto said Synergetics, its successors or assigns, the entire right, title and interest in and to said invention and improvements as the same are disclosed in said application which was executed by us, in and to said application, and in and to any Letters Patent, including divisionals, continuations, reissues, reexaminations and extensions to be obtained therefor in the United States and all foreign countries; and we further agree to cooperate with the assignee hereunder in the obtaining and sustaining of any and all such Letters Patent as the assignee may desire to apply for, but at the expense of said assignee.

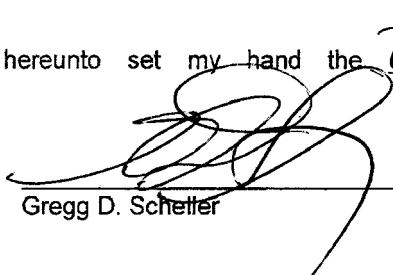
The Commissioner of Patents or other proper official is hereby authorized and requested to issue said Letters Patent to said Synergetics in accordance with this Assignment.

For said considerations, the undersigned hereby agree, upon the request and at the expense of said Assignee, to execute any divisional, continuation, continuation-in-part or substitute application for said invention or improvements, and any oath or affidavit relating thereto, and any application for the reissue or extension of any Letters Patent that may be granted upon said application(s), and, in the event of any application or Letters Patent assigned herein becoming involved in an interference, to cooperate to

the best of the ability of the undersigned in the matters of preparing and executing the preliminary statement and giving and producing evidence in support thereof. The undersigned agree to perform, upon request, any affirmative acts to obtain said Letters Patent of the United States and vest in said Assignee all rights therein, whereby said Letters Patent will be held and enjoyed by said Assignee, to the full end of the term for which said Letters Patent may be granted as fully and entirely as the same would have been held and enjoyed by the undersigned if this assignment had not been made.

And for said consideration, the undersigned hereby assign to said Assignee the entire right, title and interest in said invention or improvements for all foreign countries, including all priority rights, and agree to execute, at the request of said Assignee, all documents in connection with any application for foreign Letters Patent therefor.

IN WITNESS WHEREOF, I have hereunto set my hand the 24<sup>th</sup> day of October, 2006.

  
\_\_\_\_\_  
Gregg D. Scheller

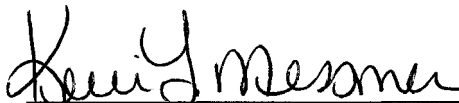
STATE OF

:  
: SS  
:

COUNTY OF

On this 24<sup>th</sup> day of October, 2006 before me, a Notary Public, within and for the County of St. Charles, State of Missouri, personally appeared Gregg D. Scheller, to me known to be the person described in and who executed the foregoing assignment and acknowledged that he executed same as his free act and deed.

IN TESTIMONY WHEREOF, I have hereunto set my hand and seal the date and year last above written.

  
\_\_\_\_\_  
Notary Public

My Commission Expires: June 12, 2007

IN WITNESS WHEREOF, I have hereunto set my hand the 14 day of Oct, 2006.

Michael D. Auld  
Michael D. Auld

STATE OF Florida  
COUNTY OF Broward SS

On this 14 day of October 2006 before me, a Notary Public, within and for the County of Broward, State of Florida, personally appeared Michael D. Auld, to me known to be the person described in and who executed the foregoing assignment and acknowledged that he executed same as his free act and deed.

IN TESTIMONY WHEREOF, I have hereunto set my hand and seal the date and year last above written.

Gloria J. Cepeda  
Notary Public

My Commission Expires: 2/15/09

